

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 4303 OF 2005

Office Notes, Office

Memoranda of Coram,

appearances, Court's

orders or directions

and Registrar's orders.

Court's or Judge's orders

None for the petitioner

CORAM : F.I. REBELLO, J.
DATED : 18th October, 2005
P.C.

. None present for the petitioner when the matter is called out. The respondent No.1 has obtained a recovery certificate against the petitioner. In execution property of the petitioner has been attached. The grievance of the petitioner is that the properties which have been developed and which were not owned by him or mortgaged were also attached.. If that be the case the persons who have a right in the property can always file objection. Apart from that, if the property belongs to the petitioner in recovery if there be no other properties it is always open to the executing Court to attach the properties and sell them for satisfaction of the recovery certificate. It will also be open to the

petitioner considering the Act and the Rules to object to the sale if in law so entitled to and those objections will be dealt with independently according to law. With the above observation, petition stands disposed of. There shall be no order as to costs.

(F.I. REBELLO J).